

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7803 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- KALYANPUR District- Samastipur

Shambhu Yadav S/o Bhola Ray R/o Vill - 11 Near School, Balahiya, P.S. -
Bandra, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard Mr. Mrityunjay Kumar, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 271 of 2023 for the offence under sections 380, 457 of the I.P.C. lodged on 05.09.2023 by the informant, Lal Babu Kumar.

3. As per the prosecution story, the informant alleged that when he was sleeping, the unidentified theft took away the belongings and later, they came to know that the similar incident took place in other houses of the village. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, the occurrence is of 03.09.2023 whereas the FIR was lodged on 05.09.2023.

5. It is his further submission that the allegation is



against unknown and the police only in a zeal to implicate him, named him necessitating this petition.

6. Learned APP opposes the prayer.

7. Considering the submissions put forward by the learned counsel for the parties as also that there is delay in lodging of the FIR, the petitioner do not have criminal antecedent and ultimately, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned JMFC cum Addl Munsif, Samastipur, in connection with Kalyanpur P.S. Case No. 271 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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